

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

In re:

SHARON DENISE BOONE,)	Case No. 3:18-bk-30150-SHB
)	Chapter 7
)	
Debtor.)	

JOINT PRETRIAL STATEMENT

Come the parties, through counsel, pursuant to the Court's Order of June 8, 2018, and submit unto the Court their Joint Statement of Issues and Stipulations regarding the Trustee's Motion to Compromise Dispute with Clifton Boone.

ISSUES

1. Whether the Trustee's Motion to Compromise Dispute with Clifton Boone is reasonable under the circumstances of the case and should be approved over the objections of creditors?

STATEMENT REGARDING ELECTRONIC EVIDENCE PRESENTATION

The parties do not intend to use the Court's electronic evidence presentation equipment for this contested hearing.

STIPULATIONS

1. A voluntary Chapter 7 case was filed by the debtor, Sharon Denise Boone, on January 23, 2018. Michael H. Fitzpatrick was appointed Chapter 7 Trustee and currently serves in that capacity.

2. Prior to the filing of the bankruptcy case, the debtor and her estranged husband, Clifton H. Boone, Jr., were parties to a divorce proceeding pending in Monroe County Chancery Court (No. 19636) since 2016. Mr. Boone has not filed for any form of Bankruptcy Relief as of the date this document was filed.

3. The debtor and Mr. Boone owned several parcels of real property that were titled jointly as husband and wife or were titled to debtor solely, but all of which would constitute marital property under Tennessee's divorce/marital property statutes.

4. The 3 parcels of real property that are the main points of dispute in the instant matter are as follows:

5. 700 Englewood Road, Madisonville, TN, which is a commercial building housing a laundromat and titled in the debtor and Mr. Boone as tenants by the entirety. The debtor valued the property at \$380,000 in her Schedule A/B. BB&T is a secured creditor with a lien upon said property. BB&T filed its proof of claim (No. 2) on January 26, 2018, in the amount of \$148,113.47. The debt of BB&T on this property is only in the name of debtor. Said property was conveyed to the Debtor and Mr. Boone on April 13, 2010, by way of a Warranty Deed recorded in the Monroe County Register of Deeds office and bears the instrument number 10011802.

6. 827/866 Old Englewood Road, Madisonville, TN, which is a commercial property with approximately 4.76 acres and an unfinished garage-type building. This building is titled only in the name of the debtor. The debtor valued the property at \$220,000.00 in her Schedule A/B. BB&T is a secured creditor with a lien upon said property. BB&T filed its proof of claim (No. 1) on January 26, 2018, in the amount of \$76,173.72. The debt of BB&T on this property is only in the name of the debtor. Said property was conveyed to the Debtor on June 26, 2015, by way of a Warranty Deed recorded in the Monroe County Register of Deeds office and bears instrument number 15003552.

7. Old Citico Road, Lot 8, Vonore, TN, is a residential lot titled in the debtor and Mr. Boone as tenant by the entirety. This property is not encumbered. The debtor valued this property at \$44,500.00 in her Schedule A/B. Said property was conveyed to

the Debtor and Mr. Boone on February 14, 2005, by way of a warranty deed recorded in the Monroe County Register of Deeds in book WD299 PG766-768.

8. The Trustee filed his Motion to Compromise on May 18, 2018, seeking to divide and apportion certain assets between Mr. Boone and the bankruptcy estate to allow the Trustee to liquidate assets for the benefit of creditors.

9. Both the debtor and creditors, Raymond and Doris Davis, filed objections to the proposed compromise on June 6, 2018.

10. On June 7, 2018, the Court held a status conference and thereafter issued its Pretrial Order of June 8, 2018, setting the contested matter for hearing on August 15, 2018.

11. The underlying divorce case is currently set for a hearing resolving all matters in controversy on September 4, 2018, before the Chancery Court of Monroe County, Tennessee.

12 Both the debtor and creditors, Raymond and Doris Davis, have sought relief from the automatic stay to allow the Monroe County Chancery Court to divide the property interests between the debtor and Mr. Boone. The stay relief motion is set on August 15, 2018, to be heard in conjunction with the instant dispute.

13. During the course of the divorce proceeding, the Monroe County Chancery Court appointed a receiver to manage the assets of the debtor and Mr. Boone.

14. Creditors Raymond and Doris Davis are the parents of the debtor Sharon Boone. They have filed unsecured claims 9 – 14 in the bankruptcy case, with a total outstanding debt balance of \$108,773.85

Respectfully, submitted this 6th day of August, 2018.

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